

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN SENATE MARCH 24, 2015

**SENATE BILL**

**No. 230**

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**Introduced by Senator Hancock**

February 13, 2015

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An act to amend Sections 3041, 3041.1, 3041.2, 3041.5, 3041.7, 3042, 3043, 3043.1, 3043.2, 3043.25, 3046, and 3052 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 230, as amended, Hancock. Sentencing: parole.

Existing law requires the Board of Parole Hearings to meet with every inmate during the 6th year before the inmate's minimum eligible parole release date to review and document the inmate's activities and conduct pertinent to parole eligibility and the granting or withholding of postconviction credit. Existing law requires a panel of 2 or more commissioners or deputy commissioners to meet with each inmate one year before the inmate's minimum eligible parole release date to set a parole release date, as specified, unless the panel determines that a parole release date cannot be fixed.

This bill would specify that the purpose of the meeting between the Board of Parole Hearings and an inmate during the 6th year before the inmate's minimum eligible parole date is to review and document the inmate's activities and conduct pertinent to parole eligibility. The bill would require a panel of 2 or more commissioners or deputy commissioners to meet with each inmate one year before the inmate's minimum eligible parole date in order to grant or deny parole, as specified. The bill would prohibit an inmate from being released before reaching his or her minimum eligible parole release date unless the

inmate is eligible for earlier release pursuant to his or her youth offender parole eligibility date.

Existing law authorizes the Governor to request a review of a decision by the board to grant or deny parole to an inmate up to 90 days before the inmate's scheduled release date.

The bill would authorize the Governor to request a review of a decision by the board to grant or deny parole at any time before the inmate's scheduled release. The bill would make conforming changes.

*The bill would incorporate additional changes to Section 3041.5 of the Penal Code proposed by AB 487 that would become operative if this bill and AB 487 are both chaptered and this bill is chaptered last.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3041 of the Penal Code is amended to  
2 read:

3 3041. (a) (1) In the case of any inmate sentenced pursuant to  
4 any law, other than Chapter 4.5 (commencing with Section 1170)  
5 of Title 7 of Part 2, the Board of Parole Hearings shall meet with  
6 each inmate during the sixth year before the inmate's minimum  
7 eligible parole date for the purposes of reviewing and documenting  
8 the inmate's activities and conduct pertinent to parole eligibility.  
9 During this consultation, the board shall provide the inmate  
10 information about the parole hearing process, legal factors relevant  
11 to his or her suitability or unsuitability for parole, and  
12 individualized recommendations for the inmate regarding his or  
13 her work assignments, rehabilitative programs, and institutional  
14 behavior. Within 30 days following the consultation, the board  
15 shall issue its positive and negative findings and recommendations  
16 to the inmate in writing.

17 (2) One year before the inmate's minimum eligible parole date  
18 a panel of two or more commissioners or deputy commissioners  
19 shall again meet with the inmate and shall normally grant parole  
20 as provided in Section 3041.5. No more than one member of the  
21 panel shall be a deputy commissioner.

22 (3) In the event of a tie vote, the matter shall be referred for an  
23 en banc review of the record that was before the panel that rendered  
24 the tie vote. Upon en banc review, the board shall vote to either

1 grant or deny parole and render a statement of decision. The en  
2 banc review shall be conducted pursuant to subdivision (e).

3 (4) Upon a grant of parole, the inmate shall be released subject  
4 to all applicable review periods. However, an inmate shall not be  
5 released before reaching his or her minimum eligible parole date  
6 as set pursuant to Section 3046 unless the inmate is eligible for  
7 earlier release pursuant to his or her youth offender parole  
8 eligibility date.

9 (5) At least one commissioner of the panel shall have been  
10 present at the last preceding meeting, unless it is not feasible to  
11 do so or where the last preceding meeting was the initial meeting.  
12 Any person on the hearing panel may request review of any  
13 decision regarding parole for an en banc hearing by the board. In  
14 case of a review, a majority vote in favor of parole by the board  
15 members participating in an en banc review is required to grant  
16 parole to any inmate.

17 (b) (1) The panel or the board, sitting en banc, shall grant parole  
18 to an inmate unless it determines that the gravity of the current  
19 convicted offense or offenses, or the timing and gravity of current  
20 or past convicted offense or offenses, is such that consideration of  
21 the public safety requires a more lengthy period of incarceration  
22 for this individual.

23 (2) After July 30, 2001, any decision of the parole panel finding  
24 an inmate suitable for parole shall become final within 120 days  
25 of the date of the hearing. During that period, the board may review  
26 the panel's decision. The panel's decision shall become final  
27 pursuant to this subdivision unless the board finds that the panel  
28 made an error of law, or that the panel's decision was based on an  
29 error of fact, or that new information should be presented to the  
30 board, any of which when corrected or considered by the board  
31 has a substantial likelihood of resulting in a substantially different  
32 decision upon a rehearing. In making this determination, the board  
33 shall consult with the commissioners who conducted the parole  
34 consideration hearing.

35 (3) A decision of a panel shall not be disapproved and referred  
36 for rehearing except by a majority vote of the board, sitting en  
37 banc, following a public meeting.

38 (c) For the purpose of reviewing the suitability for parole of  
39 those inmates eligible for parole under prior law at a date earlier  
40 than that calculated under Section 1170.2, the board shall appoint

1 panels of at least two persons to meet annually with each inmate  
2 until the time the person is released pursuant to proceedings or  
3 reaches the expiration of his or her term as calculated under Section  
4 1170.2.

5 (d) It is the intent of the Legislature that, during times when  
6 there is no backlog of inmates awaiting parole hearings, life parole  
7 consideration hearings, or life rescission hearings, hearings will  
8 be conducted by a panel of three or more members, the majority  
9 of whom shall be commissioners. The board shall report monthly  
10 on the number of cases where an inmate has not received a  
11 completed initial or subsequent parole consideration hearing within  
12 30 days of the hearing date required by subdivision (a) of Section  
13 3041.5 or paragraph (2) of subdivision (b) of Section 3041.5, unless  
14 the inmate has waived the right to those timeframes. That report  
15 shall be considered the backlog of cases for purposes of this  
16 section, and shall include information on the progress toward  
17 eliminating the backlog, and on the number of inmates who have  
18 waived their right to the above timeframes. The report shall be  
19 made public at a regularly scheduled meeting of the board and a  
20 written report shall be made available to the public and transmitted  
21 to the Legislature quarterly.

22 (e) For purposes of this section, an en banc review by the board  
23 means a review conducted by a majority of commissioners holding  
24 office on the date the matter is heard by the board. An en banc  
25 review shall be conducted in compliance with the following:

26 (1) The commissioners conducting the review shall consider  
27 the entire record of the hearing that resulted in the tie vote.

28 (2) The review shall be limited to the record of the hearing. The  
29 record shall consist of the transcript or audiotape of the hearing,  
30 written or electronically recorded statements actually considered  
31 by the panel that produced the tie vote, and any other material  
32 actually considered by the panel. New evidence or comments shall  
33 not be considered in the en banc proceeding.

34 (3) The board shall separately state reasons for its decision to  
35 grant or deny parole.

36 (4) A commissioner who was involved in the tie vote shall be  
37 recused from consideration of the matter in the en banc review.

38 SEC. 2. Section 3041.1 of the Penal Code is amended to read:

39 3041.1. (a) Any time before an inmate's release, the Governor  
40 may request review of a decision by a parole authority concerning

1 the grant or denial of parole to any inmate in a state prison. The  
2 Governor shall state the reason or reasons for the request, and  
3 whether the request is based on a public safety concern, a concern  
4 that the gravity of current or past convicted offenses may have  
5 been given inadequate consideration, or on other factors.

6 (b) If a request has been made, the request shall be reviewed by  
7 a majority of commissioners specifically appointed to hear adult  
8 parole matters and who are holding office at the time. In case of  
9 a review, a vote in favor of parole by a majority of the  
10 commissioners reviewing the request shall be required to grant  
11 parole to any inmate. In carrying out any review, the board shall  
12 comply with this chapter.

13 SEC. 3. Section 3041.2 of the Penal Code is amended to read:

14 3041.2. (a) During the 30 days following the granting, denial,  
15 revocation, or suspension by the board of the parole of an inmate  
16 sentenced to an indeterminate prison term based upon a conviction  
17 of murder, the Governor, when reviewing the board's decision  
18 pursuant to subdivision (b) of Section 8 of Article V of the  
19 Constitution, shall review materials provided by the board.

20 (b) If the Governor decides to reverse or modify a parole  
21 decision of the board pursuant to subdivision (b) of Section 8 of  
22 Article V of the Constitution, he or she shall send a written  
23 statement to the inmate specifying the reasons for his or her  
24 decision.

25 SEC. 4. Section 3041.5 of the Penal Code is amended to read:

26 3041.5. (a) At all hearings for the purpose of reviewing an  
27 inmate's parole suitability, or the setting, postponing, or rescinding  
28 of parole, with the exception of en banc review of tie votes, the  
29 following shall apply:

30 (1) At least 10 days before any hearing by the Board of Parole  
31 Hearings, the inmate shall be permitted to review the file which  
32 will be examined by the board and shall have the opportunity to  
33 enter a written response to any material contained in the file.

34 (2) The inmate shall be permitted to be present, to ask and  
35 answer questions, and to speak on his or her own behalf. Neither  
36 the inmate nor the attorney for the inmate shall be entitled to ask  
37 questions of any person appearing at the hearing pursuant to  
38 subdivision (b) of Section 3043.

39 (3) Unless legal counsel is required by some other law, a person  
40 designated by the Department of Corrections and Rehabilitation

1 shall be present to ensure that all facts relevant to the decision be  
2 presented, including, if necessary, contradictory assertions as to  
3 matters of fact that have not been resolved by departmental or  
4 other procedures.

5 (4) The inmate and any person described in subdivision (b) of  
6 Section 3043 shall be permitted to request and receive a  
7 stenographic record of all proceedings.

8 (5) If the hearing is for the purpose of postponing or rescinding  
9 parole, the inmate shall have the rights set forth in paragraphs (3)  
10 and (4) of subdivision (c) of Section 2932.

11 (6) The board shall set a date to reconsider whether an inmate  
12 should be released on parole that ensures a meaningful  
13 consideration of whether the inmate is suitable for release on  
14 parole.

15 (b) (1) Within 10 days following any decision granting parole,  
16 the board shall send the inmate a written statement setting forth  
17 the reason or reasons for granting parole, the conditions he or she  
18 must meet in order to be released, and the consequences of failure  
19 to meet those conditions.

20 (2) Within 20 days following any decision denying parole, the  
21 board shall send the inmate a written statement setting forth the  
22 reason or reasons for denying parole, and suggest activities in  
23 which he or she might participate that will benefit him or her while  
24 he or she is incarcerated.

25 (3) The board shall schedule the next hearing, after considering  
26 the views and interests of the victim, as follows:

27 (A) Fifteen years after any hearing at which parole is denied,  
28 unless the board finds by clear and convincing evidence that the  
29 criteria relevant to the decision denying parole are such that  
30 consideration of the public and victim's safety does not require a  
31 more lengthy period of incarceration for the inmate than 10  
32 additional years.

33 (B) Ten years after any hearing at which parole is denied, unless  
34 the board finds by clear and convincing evidence that the criteria  
35 relevant to the decision denying parole are such that consideration  
36 of the public and victim's safety does not require a more lengthy  
37 period of incarceration for the inmate than seven additional years.

38 (C) Three years, five years, or seven years after any hearing at  
39 which parole is denied, because the criteria relevant to the decision  
40 denying parole are such that consideration of the public and

1 victim's safety requires a more lengthy period of incarceration for  
2 the inmate, but does not require a more lengthy period of  
3 incarceration for the inmate than seven additional years.

4 (4) The board may in its discretion, after considering the views  
5 and interests of the victim, advance a hearing set pursuant to  
6 paragraph (3) to an earlier date, when a change in circumstances  
7 or new information establishes a reasonable likelihood that  
8 consideration of the public and victim's safety does not require  
9 the additional period of incarceration of the inmate provided in  
10 paragraph (3).

11 (5) Within 10 days of any board action resulting in the  
12 rescinding of parole, the board shall send the inmate a written  
13 statement setting forth the reason or reasons for that action, and  
14 shall schedule the inmate's next hearing in accordance with  
15 paragraph (3).

16 (c) The board shall conduct a parole hearing pursuant to this  
17 section as a de novo hearing. Findings made and conclusions  
18 reached in a prior parole hearing shall be considered in but shall  
19 not be deemed to be binding upon subsequent parole hearings for  
20 an inmate, but shall be subject to reconsideration based upon  
21 changed facts and circumstances. When conducting a hearing, the  
22 board shall admit the prior recorded or memorialized testimony  
23 or statement of a victim or witness, upon request of the victim or  
24 if the victim or witness has died or become unavailable. At each  
25 hearing the board shall determine the appropriate action to be taken  
26 based on the criteria set forth in paragraph (1) of subdivision (b)  
27 of Section 3041.

28 (d) (1) An inmate may request that the board exercise its  
29 discretion to advance a hearing set pursuant to paragraph (3) of  
30 subdivision (b) to an earlier date, by submitting a written request  
31 to the board, with notice, upon request, and a copy to the victim  
32 which shall set forth the change in circumstances or new  
33 information that establishes a reasonable likelihood that  
34 consideration of the public safety does not require the additional  
35 period of incarceration of the inmate.

36 (2) The board shall have sole jurisdiction, after considering the  
37 views and interests of the victim to determine whether to grant or  
38 deny a written request made pursuant to paragraph (1), and its  
39 decision shall be subject to review by a court or magistrate only  
40 for a manifest abuse of discretion by the board. The board shall

1 have the power to summarily deny a request that does not comply  
2 with this subdivision or that does not set forth a change in  
3 circumstances or new information as required in paragraph (1) that  
4 in the judgment of the board is sufficient to justify the action  
5 described in paragraph (4) of subdivision (b).

6 (3) An inmate may make only one written request as provided  
7 in paragraph (1) during each three-year period. Following either  
8 a summary denial of a request made pursuant to paragraph (1), or  
9 the decision of the board after a hearing described in subdivision  
10 (a) to deny parole, the inmate shall not be entitled to submit another  
11 request for a hearing pursuant to subdivision (a) until a three-year  
12 period of time has elapsed from the summary denial or decision  
13 of the board.

14 *SEC. 4.5. Section 3041.5 of the Penal Code is amended to*  
15 *read:*

16 3041.5. (a) At all hearings for the purpose of reviewing a  
17 ~~prisoner's~~ an inmate's parole suitability, or the setting, postponing,  
18 or rescinding of ~~parole dates~~, parole, with the exception of en banc  
19 review of tie votes, the following shall apply:

20 (1) At least 10 days ~~prior to any~~ before a hearing by the Board  
21 of Parole Hearings, the ~~prisoner~~ inmate shall be permitted to review  
22 ~~his or her~~ the file ~~which~~ that will be examined by the board and  
23 shall have the opportunity to enter a written response to any  
24 material contained in the file.

25 (2) The ~~prisoner~~ inmate shall be permitted to be present, to ask  
26 and answer questions, and to speak on his or her own behalf.  
27 Neither the ~~prisoner~~ inmate nor the attorney for the ~~prisoner~~ inmate  
28 shall be entitled to ask questions of ~~any~~ a person appearing at the  
29 hearing pursuant to subdivision (b) of Section 3043.

30 (3) Unless legal counsel is required by ~~some other provision of~~  
31 another law, a person designated by the Department of Corrections  
32 and Rehabilitation shall be present to ensure that all facts relevant  
33 to the decision ~~be~~ are presented, including, if necessary,  
34 contradictory assertions as to matters of fact that have not been  
35 resolved by departmental or other procedures.

36 (4) The ~~prisoner~~ inmate and ~~any~~ a person described in  
37 subdivision (b) of Section 3043 shall be permitted to request and  
38 receive a stenographic record of all proceedings.

39 (5) If the hearing is for the purpose of postponing or rescinding  
40 of ~~parole dates~~, the ~~prisoner~~ parole, the inmate shall have the rights



1 set forth in paragraphs (3) and (4) of subdivision (c) of Section  
2 2932.

3 (6) The board shall set a date to reconsider whether an inmate  
4 should be released on parole that ensures a meaningful  
5 consideration of whether the inmate is suitable for release on  
6 parole.

7 (b) (1) Within 10 days following ~~any meeting where a parole~~  
8 ~~date has been set, a decision granting parole~~, the board shall send  
9 the ~~prisoner inmate~~ a written statement setting forth ~~his or her~~  
10 ~~parole date, the reason or reasons for granting parole~~, the  
11 conditions he or she must meet in order to be ~~released on the date~~  
12 ~~set, released~~, and the consequences of failure to meet those  
13 conditions.

14 (2) Within 20 days following ~~any meeting where a parole date~~  
15 ~~has not been set, a decision denying parole~~, the board shall send  
16 the ~~prisoner inmate~~ a written statement setting forth the reason or  
17 reasons for ~~refusal to set a parole date, denying parole~~, and suggest  
18 activities in which he or she might participate that will benefit him  
19 or her while he or she is incarcerated.

20 (3) The board shall schedule the next hearing, after considering  
21 the views and interests of the victim, as follows:

22 (A) Fifteen years after ~~any a~~ hearing at which parole is denied,  
23 unless the board finds by clear and convincing evidence that the  
24 criteria relevant to the ~~setting of parole release dates enumerated~~  
25 ~~in subdivision (a) of Section 3041~~ *decision denying parole* are  
26 such that consideration of the public and victim's safety does not  
27 require a more lengthy period of incarceration for the ~~prisoner~~  
28 *inmate* than 10 additional years.

29 (B) Ten years after ~~any a~~ hearing at which parole is denied,  
30 unless the board finds by clear and convincing evidence that the  
31 criteria relevant to the ~~setting of parole release dates enumerated~~  
32 ~~in subdivision (a) of Section 3041~~ *decision denying parole* are  
33 such that consideration of the public and victim's safety does not  
34 require a more lengthy period of incarceration for the ~~prisoner~~  
35 *inmate* than seven additional years.

36 (C) Three years, five years, or seven years after ~~any a~~ hearing  
37 at which parole is denied, because the criteria relevant to the ~~setting~~  
38 ~~of parole release dates enumerated in subdivision (a) of Section~~  
39 ~~3041~~ *decision denying parole* are such that consideration of the  
40 public and victim's safety requires a more lengthy period of

1 incarceration for the ~~prisoner~~, *inmate*, but does not require a more  
2 lengthy period of incarceration for the ~~prisoner~~ *inmate* than seven  
3 additional years.

4 (4) The board ~~may~~ *may*, in its discretion, after considering the  
5 views and interests of the ~~victim~~, *victim and the district attorney*  
6 *of the county in which the offense was committed*, advance a  
7 hearing set pursuant to paragraph (3) to an earlier date, when a  
8 change in circumstances or new information establishes a  
9 reasonable likelihood that consideration of the public and victim's  
10 safety does not require the additional period of incarceration of  
11 the prisoner provided *for* in paragraph (3).

12 ~~(5) Within 10 days of any board action resulting in the~~  
13 ~~postponement of a previously set parole date, the board shall send~~  
14 ~~the prisoner a written statement setting forth a new date and the~~  
15 ~~reason or reasons for that action and shall offer the prisoner an~~  
16 ~~opportunity for review of that action.~~

17 (6)

18 (5) Within 10 days of ~~any~~ *a* board action resulting in the  
19 rescinding of a ~~previously set parole date~~, *parole*, the board shall  
20 send the ~~prisoner~~ *inmate* a written statement setting forth the reason  
21 or reasons for that action, and shall schedule the ~~prisoner's~~ *inmate's*  
22 next hearing in accordance with paragraph (3).

23 (c) The board shall conduct a parole hearing pursuant to this  
24 section as a de novo hearing. Findings made and conclusions  
25 reached in a prior parole hearing shall be considered ~~in~~ *in*, but shall  
26 not be deemed to be binding ~~upon~~ *upon*, subsequent parole hearings  
27 for an inmate, but shall be subject to reconsideration based upon  
28 changed facts and circumstances. When conducting a hearing, the  
29 board shall admit the prior recorded or memorialized testimony  
30 or statement of a victim or witness, upon request of the victim or  
31 if the victim or witness has died or become unavailable. At each  
32 hearing the board shall determine the appropriate action to be taken  
33 based on the criteria set forth in ~~paragraph (3) of subdivision (a)~~  
34 *subdivision (b)* of Section 3041.

35 (d) (1) An inmate may request that the board exercise its  
36 discretion to advance a hearing set pursuant to paragraph (3) of  
37 subdivision (b) to an earlier date, by submitting a written request  
38 to the board, ~~with notice, upon request, and a copy to the victim~~  
39 which shall set forth the change in circumstances or new  
40 information that establishes a reasonable likelihood that

consideration of the public safety does not require the additional period of incarceration of the inmate. *The board shall provide notice of the request to the district attorney and the victim, if the victim has previously requested notification of all board actions, no less than 30 days before the board may grant the inmate's request. Notice shall be satisfied by mailing copies of the inmate's request to the office of the district attorney and, if applicable, to the last address provided by the victim to the Office of Victim and Survivor Rights and Services.*

(2) The board shall have sole jurisdiction, after considering the views and interests of the *district attorney of the county in which the offense was committed, or his or her representative, and the victim* to determine whether to grant or deny a written request made pursuant to paragraph (1), and its decision shall be subject to review by a court or magistrate only for a manifest abuse of discretion by the board. The board shall have the power to summarily deny a request that does not comply with the provisions of this subdivision or that does not set forth a change in circumstances or new information as required in paragraph (1) that in the judgment of the board is sufficient to justify the action described in paragraph (4) of subdivision (b).

(3) An inmate may make only one written request as provided in paragraph (1) during each three-year period. Following either a summary denial of a request made pursuant to paragraph (1), or the decision of the board after a hearing described in subdivision (a) ~~to not set a parole date~~, *deny parole*, the inmate shall not be entitled to submit another request for a hearing pursuant to subdivision (a) until a three-year period of time has elapsed from the summary denial or decision of the board.

SEC. 5. Section 3041.7 of the Penal Code is amended to read:

3041.7. At any hearing for the purpose of setting, postponing, or rescinding a parole release date of an inmate under a life sentence, the inmate shall be entitled to be represented by counsel and Section 3041.5 shall apply. The Board of Parole Hearings shall provide by rule for the invitation of the prosecutor of the county from which the inmate was committed, or his or her representative, to represent the interests of the people at the hearing. The Board of Parole Hearings shall notify the prosecutor and the Attorney General at least 30 days before the date of the hearing.

1 Notwithstanding Section 12550 of the Government Code, the  
2 prosecutor of the county from which the inmate was committed,  
3 or his or her representative, who shall not be the Attorney General,  
4 except in cases in which the Attorney General prosecuted the case  
5 at the trial level, shall be the sole representative of the interests of  
6 the people.

7 SEC. 6. Section 3042 of the Penal Code is amended to read:

8 3042. (a) At least 30 days before the Board of Parole Hearings  
9 meets to review or consider the parole suitability of any inmate  
10 sentenced to a life sentence, the board shall send written notice  
11 thereof to each of the following persons: the judge of the superior  
12 court before whom the inmate was tried and convicted, the attorney  
13 who represented the defendant at trial, the district attorney of the  
14 county in which the offense was committed, the law enforcement  
15 agency that investigated the case, and where the inmate was  
16 convicted of the murder of a peace officer, the law enforcement  
17 agency which had employed that peace officer at the time of the  
18 murder.

19 (b) The Board of Parole Hearings shall record all those hearings  
20 and transcribe recordings of those hearings within 30 days of any  
21 hearing. Those transcripts, including the transcripts of all prior  
22 hearings, shall be filed and maintained in the office of the Board  
23 of Parole Hearings and shall be made available to the public no  
24 later than 30 days from the date of the hearing. No inmate shall  
25 actually be released on parole before 60 days from the date of the  
26 hearing.

27 (c) At any hearing, the presiding hearing officer shall state his  
28 or her findings and supporting reasons on the record.

29 (d) Any statements, recommendations, or other materials  
30 considered shall be incorporated into the transcript of the hearing,  
31 unless the material is confidential in order to preserve institutional  
32 security and the security of others who might be endangered by  
33 disclosure.

34 (e) (1) The written notice to the judge of the superior court  
35 before whom the inmate was tried and convicted shall be sent by  
36 United States mail.

37 (2) The judge receiving this written notice may forward to the  
38 board any unprivileged information from the trial or sentencing  
39 proceeding regarding the inmate, witnesses, or victims, or other  
40 relevant persons, or any other information, that is pertinent to the

1 question of whether the board should grant parole or under what  
2 conditions parole should be granted. The judge may also, in his or  
3 her discretion, include information given to him or her by victims,  
4 witnesses, or other persons that bear on the question of the inmate's  
5 suitability for parole.

6 (3) The board shall review and consider all information received  
7 from the judge or any other person and shall consider adjusting  
8 the conditions of parole to reflect the comments or concerns raised  
9 by this information, as appropriate.

10 (f) Nothing in this section shall be construed as limiting the type  
11 or content of information the judge or any other person may  
12 forward to the board for consideration under any other law.

13 (g) Any person who receives notice under subdivision (a) who  
14 is authorized to forward information for consideration in a parole  
15 suitability hearing for a person sentenced to a life sentence under  
16 this section, may forward that information either by facsimile or  
17 electronic mail. The Department of Corrections and Rehabilitation  
18 shall establish procedures for receiving the information by facsimile  
19 or electronic mail pursuant to this subdivision.

20 SEC. 7. Section 3043 of the Penal Code is amended to read:

21 3043. (a) (1) Upon request to the Department of Corrections  
22 and Rehabilitation and verification of the identity of the requester,  
23 notice of any hearing to review or consider the parole suitability  
24 for any inmate in a state prison shall be given by telephone,  
25 certified mail, regular mail, or electronic mail, using the method  
26 of communication selected by the requesting party, if that method  
27 is available, by the Board of Parole Hearings at least 90 days before  
28 the hearing to any victim of any crime committed by the inmate,  
29 or to the next of kin of the victim if the victim has died, to include  
30 the commitment crimes, determinate term commitment crimes for  
31 which the inmate has been paroled, and any other felony crimes  
32 or crimes against the person for which the inmate has been  
33 convicted. The requesting party shall keep the board apprised of  
34 his or her current contact information in order to receive the notice.

35 (2) No later than 30 days before the date selected for the hearing,  
36 any person, other than the victim, entitled to attend the hearing  
37 shall inform the board of his or her intention to attend the hearing  
38 and the name and identifying information of any other person  
39 entitled to attend the hearing who will accompany him or her.

1 (3) No later than 14 days before the date selected for the hearing,  
2 the board shall notify every person entitled to attend the hearing  
3 confirming the date, time, and place of the hearing.

4 (b) (1) The victim, next of kin, members of the victim's family,  
5 and two representatives designated as provided in paragraph (2)  
6 of this subdivision have the right to appear, personally or by  
7 counsel, at the hearing and to adequately and reasonably express  
8 his, her, or their views concerning the inmate and the case,  
9 including, but not limited to the commitment crimes, determinate  
10 term commitment crimes for which the inmate has been paroled,  
11 any other felony crimes or crimes against the person for which the  
12 inmate has been convicted, the effect of the enumerated crimes on  
13 the victim and the family of the victim, the person responsible for  
14 these enumerated crimes, and the suitability of the inmate for  
15 parole.

16 (2) Any statement provided by a representative designated by  
17 the victim or next of kin may cover any subject about which the  
18 victim or next of kin has the right to be heard including any  
19 recommendation regarding the granting of parole. The  
20 representatives shall be designated by the victim or, in the event  
21 that the victim is deceased or incapacitated, by the next of kin.  
22 They shall be designated in writing for the particular hearing before  
23 the hearing.

24 (c) A representative designated by the victim or the victim's  
25 next of kin for purposes of this section may be any adult person  
26 selected by the victim or the family of the victim. The board shall  
27 permit a representative designated by the victim or the victim's  
28 next of kin to attend a particular hearing, to provide testimony at  
29 a hearing, and to submit a statement to be included in the hearing  
30 as provided in Section 3043.2, even though the victim, next of kin,  
31 or a member of the victim's immediate family is present at the  
32 hearing, and even though the victim, next of kin, or a member of  
33 the victim's immediate family has submitted a statement as  
34 described in Section 3043.2.

35 (d) The board, in deciding whether to release the person on  
36 parole, shall consider the entire and uninterrupted statements of  
37 the victim or victims, next of kin, immediate family members of  
38 the victim, and the designated representatives of the victim or next  
39 of kin, if applicable, made pursuant to this section and shall include

1 in its report a statement whether the person would pose a threat to  
2 public safety if released on parole.

3 (e) In those cases where there are more than two immediate  
4 family members of the victim who wish to attend any hearing  
5 covered in this section, the board shall allow attendance of  
6 additional immediate family members to include the following:  
7 spouse, children, parents, siblings, grandchildren, and grandparents.

8 SEC. 8. Section 3043.1 of the Penal Code is amended to read:

9 3043.1. Notwithstanding any other law, a victim, his or her  
10 next of kin, or any immediate family member of the victim who  
11 appears at any hearing to review or consider the parole suitability  
12 of any inmate pursuant to Section 3043 shall be entitled to the  
13 attendance of one person of his or her own choosing at the hearing  
14 for support. The person so chosen shall not participate in the  
15 hearing nor make comments while in attendance.

16 SEC. 9. Section 3043.2 of the Penal Code is amended to read:

17 3043.2. (a) (1) In lieu of personal appearance at any hearing  
18 to review the parole suitability, the Board of Parole Hearings shall  
19 permit the victim, his or her next of kin, immediate family  
20 members, or two representatives designated for a particular hearing  
21 by the victim or next of kin in writing before the hearing to file  
22 with the board a written, audiotaped, or videotaped statement, or  
23 statement stored on a CD-ROM, DVD, or any other recording  
24 medium accepted by a court pursuant to Section 1191.15 or by the  
25 board, expressing his or her views concerning the crime and the  
26 person responsible. The statement may be personal messages from  
27 the person to the board made at any time or may be a statement  
28 made pursuant to Section 1191.16, or a combination of both, except  
29 that any statement provided by a representative designated by the  
30 victim or next of kin shall be limited to comments concerning the  
31 effect of the crime on the victim.

32 (2) A representative designated by the victim or the victim's  
33 next of kin for purposes of this section must be either a family or  
34 household member of the victim.

35 (3) The board shall consider any statement filed prior to reaching  
36 a decision, and shall include in its report a statement of whether  
37 the person would pose a threat to public safety if released on parole.

38 (b) Whenever an audio or video statement or a statement stored  
39 on a CD-ROM, DVD, or other medium is filed with the board, a

1 written transcript of the statement shall also be provided by the  
2 person filing the statement.

3 (c) Nothing in this section shall be construed to prohibit the  
4 prosecutor from representing to the board the views of the victim,  
5 his or her immediate family members, or next of kin.

6 (d) In the event the board permits an audio or video statement  
7 or statement stored on a CD-ROM, DVD, or other medium to be  
8 filed, the board shall not be responsible for providing any  
9 equipment or resources needed to assist the victim in preparing  
10 the statement.

11 SEC. 10. Section 3043.25 of the Penal Code is amended to  
12 read:

13 3043.25. Any victim, next of kin, members of the victim's  
14 immediate family, or representatives designated for a particular  
15 hearing by the victim or next of kin in writing before the hearing  
16 who have the right to appear at a hearing to review parole  
17 suitability, either personally as provided in Section 3043, or by a  
18 written, audiotaped, or videotaped statement as provided in Section  
19 3043.2, and any prosecutor who has the right to appear pursuant  
20 to Section 3041.7, shall also have the right to appear by means of  
21 videoconferencing, if videoconferencing is available at the hearing  
22 site. For the purposes of this section, "videoconferencing" means  
23 the live transmission of audio and video signals by any means from  
24 one physical location to another.

25 SEC. 11. Section 3046 of the Penal Code is amended to read:

26 3046. (a) An inmate imprisoned under a life sentence shall  
27 not be paroled until he or she has served the greater of the  
28 following:

29 (1) A term of at least seven calendar years.

30 (2) A term as established pursuant to any other law that  
31 establishes a minimum term or minimum period of confinement  
32 under a life sentence before eligibility for parole.

33 (b) If two or more life sentences are ordered to run consecutively  
34 to each other pursuant to Section 669, an inmate so imprisoned  
35 shall not be paroled until he or she has served the term specified  
36 in subdivision (a) on each of the life sentences that are ordered to  
37 run consecutively.

38 (c) Notwithstanding subdivisions (a) and (b), an inmate found  
39 suitable for parole pursuant to a youth offender parole hearing as  
40 described in Section 3051 shall be paroled regardless of the manner



1 in which the board set release dates pursuant to subdivision (a) of  
2 Section 3041, subject to subdivision (b) of Section 3041 and  
3 Sections 3041.1 and 3041.2, as applicable.

4 (d) The Board of Parole Hearings shall, in considering a parole  
5 for an inmate, consider all statements and recommendations which  
6 may have been submitted by the judge, district attorney, and sheriff,  
7 pursuant to Section 1203.01, or in response to notices given under  
8 Section 3042, and recommendations of other persons interested  
9 in the granting or denying of parole. The board shall enter on its  
10 order granting or denying parole to these inmates, the fact that the  
11 statements and recommendations have been considered by it.

12 SEC. 12. Section 3052 of the Penal Code is amended to read:

13 3052. The Board of Parole Hearings shall have the power to  
14 establish and enforce rules and regulations under which inmates  
15 committed to state prisons may be allowed to go upon parole  
16 outside the prison buildings and enclosures when eligible for  
17 parole.

18 SEC. 13. *Section 4.5 of this bill incorporates amendments to*  
19 *Section 3041.5 of the Penal Code proposed by both this bill and*  
20 *Assembly Bill 487. It shall only become operative if (1) both bills*  
21 *are enacted and become effective on or before January 1, 2016,*  
22 *(2) each bill amends Section 3041.5 of the Penal Code, and (3)*  
23 *this bill is enacted after Assembly Bill 487, in which case Section*  
24 *4 of this bill shall not become operative.*